

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|  |   |                                    |
|--|---|------------------------------------|
| <b>KARIN J. BLACK</b> , individually and           | ) |                                    |
| on behalf of the Classes,                          | ) | 2:10cv848                          |
|  | ) | Electronic Filing                  |
| Plaintiff,   | ) |                                    |
|  | ) | Judge David Stewart Cerccone       |
| v.   | ) | Magistrate Judge Lisa Pupo Lenihan |
|  | ) |                                    |
| <b>JP MORGAN CHASE &amp; CO.</b> , <i>et al.</i> , | ) | ECF No. 28                         |
|  | ) |                                    |
| Defendants.  | ) |                                    |
|  | ) |                                    |

**MEMORANDUM ORDER**

The Complaint in the above captioned case was received by the Clerk of Court on June 24, 2010, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 86), filed on August 25, 2011, recommended that the Motion to Compel Arbitration or, in the Alternative, to Dismiss the Complaint (ECF No. 28) filed by Defendant Discover Financial Services, be granted with regard to the motion to compel arbitration and denied as moot with regard to the motion to dismiss. Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, they had fourteen (14) days to file objections. No objections were filed to the Report and Recommendation.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

**AND NOW**, this 14<sup>th</sup> day of September, 2011,

**IT IS HEREBY ORDERED** that the Motion to Compel Arbitration filed by Defendant Discover Financial Services (ECF No. 28) is **GRANTED**.

**IT IS FURTHER ORDERED** that Discover Financial Services' Motion to Dismiss the Complaint, filed in the alternative, is **DENIED AS MOOT**.

**IT IS FURTHER ORDERED** that the present action is stayed as to the claims against Discover Financial Services. A separate order administratively closing this case will be entered.

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 86) of Magistrate Judge Lenihan, dated August 25, 2011, is adopted as the opinion of the Court.

s/ David Stewart Cercone  
David Stewart Cercone  
United States District Judge

cc: Matthew L. Kurzweg, Esquire  
Arthur H. Stroyd, Jr., Esquire  
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Peter E. Greene, Esquire  
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Robert A. Milne, Esquire  
Dennis A. Watson, Esquire  
James K. Gardner, Esquire  
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Wendelynne J. Newton, Esquire  
Bradley J. Kitlowski, Esquire  
Gretchen L. Jankowski, Esquire

*(Via CM/ECF Electronic Mail)*